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REQUEST For CONTINUED EXAMINATION (RCE) TRANSMITTAL Address to: MAIL STOP RCE COMMISSIONER FOR PATENTS P.O. BOX 1450 ALEXANDRIA, VA 22313-1450 (Revised 04/2005)	Application Number 09/285,429
	Filing Date April 2, 1999
	First Named Inventor: Shirley
	Art Unit: 1653
	Examiner Name: Chih Min Kam
	Confirmation No.: 3707
	Attorney Docket No. 5784-9 (035784/158956)
This is a request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application.	

1. **Submission required under 37 C.F.R. § 1.114** Note: if the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
- ii. ☐ Other
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavits(s)/Declarations(s)
- iii. ☐ Information Disclosure Statement (IDS); of cites listed on PTO Form 1449
- iv. ☐ Other

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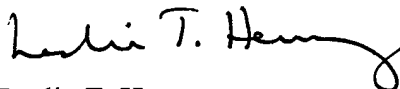
790.00 OP

2. **Miscellaneous**

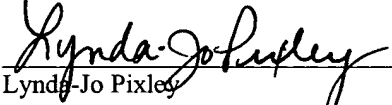
- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of ___ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other

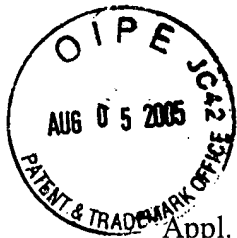
3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is **required** by 37 C.F.R. § 1.114 when the RCE is filed.
- a. The Director is hereby authorized to charge any fee deficiencies, or credit any overpayments to Deposit Account No. 16-0605.
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)
(\$790.00 large entity; \$395.00 small entity)
- ii. ☒ Extension of Time Fee (37 C.F. R. §§ 1.136 and 1.17)
- iii. ☐ Other
- b. ☒ Check in the amount of \$790.00 enclosed

Respectfully submitted,



Leslie T. Henry
Registration No. 45,714

Customer No. 00826 ALSTON & BIRD LLP Bank of America Plaza 101 South Tryon Street, Suite 4000 Charlotte, NC 28280-4000 Tel Raleigh Office (919) 862-2200 Fax Raleigh Office (919) 862-2260	CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 3, 2005  Lynda-Jo Pixley
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 09/285,429 Confirmation No.: 3707
Applicant(s): Shirley *et al.*
Filed: April 2, 1999
Art Unit: 1653
Examiner: Chih Min Kam
Title: INJECTABLE FORMULATIONS CONTAINING SUCCINATE

Docket No.: 5784-9 (035784/158956)
Customer No.: 27476
Customer Representative No.: 00826

August 3, 2005

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**SUBMISSION PURSUANT
TO 37 C.F.R. § 1.114**

Dear Examiner:

This submission is responsive to the final Office Action dated March 4, 2005. Applicants respectfully request examination and reconsideration of the above-identified application in view of the following remarks and Request for Continued Examination pursuant to 37 C.F.R. § 1.114.

Remarks/Arguments begin on page 2 of this paper.